

REMARKS

The present amendment is submitted in response to the Office Action mailed May 7, 2008. Claims 1-9, 11-21 and 23-31 are currently pending. By the present amendment, claims 1, 7-9, 11-15, 19 and 20 have been amended, claims 10 and 22 have been cancelled, and claims 30 and 31 have been added. No new issues are presented by these amendments. Prompt and favorable consideration of these claims is earnestly sought.

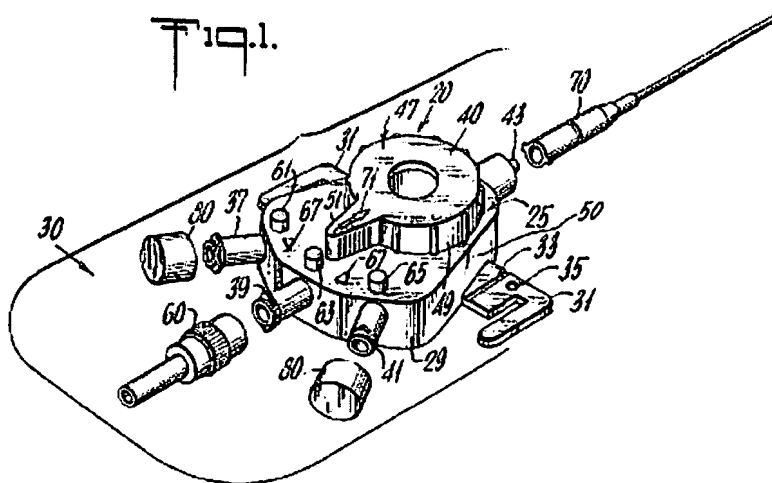
The drawings were objected to under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims. As noted above, by the present amendment, claim 22 has been cancelled. Since claim 22 included the feature not shown in the drawings, it is respectfully submitted that the objection to the drawings have been overcome and should be withdrawn.

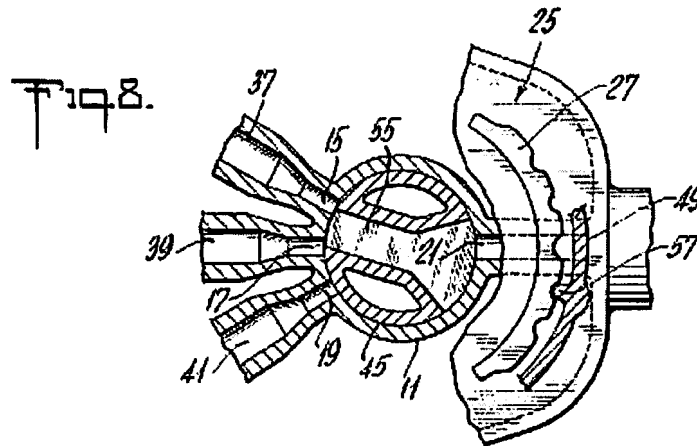
Claims 1-8, 10, 12-19 and 21-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,957,082 to Fuson et al. (hereinafter, "Fuson"). According to the Examiner, Fuson discloses a rotatable stopcock including, *inter alia*, a first passageway (21) and a second passageway (41) including a relief port (19).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131.01.

Fuson fails to disclose a valve including, *inter alia*, a housing including “a first passageway (230) that extends therealong and a second passageway (255) that includes a relief port (260),” as recited in amended claims 1, 15 and 19.

With reference to FIGS. 1 and 4, reproduced herein below, Fuson discloses a rotatable stopcock valve 20 for use in the control of intravenous fluids. Valve 20 includes a rotor gate 40 disposed within a body and support member 50. Connected to valve 20 is fluid supply tubing 60 and intravenous tubing 70. Body and support member 50 includes a valve body 11 having opening inlet ports 15, 17, 19 and a larger opening outlet port 21 extending therethrough. Four connection tubes 37, 39, 41, 43 permit a connection to each of ports 15, 17, 19, 21, respectively. Rotor gate 40 includes a rotor member 45 having a passageway 55 therethrough for selectively connecting each of ports 15, 17, 19 with port 21. Valve 20 can be positioned into six states for passing a first fluid, a second fluid, a third fluid, or a mixture of fluids 1 and 2 or fluids 2 and 3, or “off”.





Contrary to the Examiner's assertion, Fuson does not disclose that the stopcock includes a second passageway (41) including a relief port (19). Instead, as discussed above, Fuson discloses a stopcock valve 20 for selectively passing first, second or third fluids, or a mixture thereof, from three connection tubes 37, 39, 41 to a fourth connection tube 43. Connection tubes 37, 39, 41 include respective ports 15, 17, 19 which are in selective communication with passageway 55 formed in rotor member 45, to permit the flow fluid out of connection tube 43. None of connection tubes 37, 39, 41, 43 include a relief port. Furthermore, it is not apparent from the specification that a vacuum or suction force is ever created within stopcock valve 20 that would necessitate relief through a relief port. Therefore, it is respectfully submitted that claims 1, 15 and 19 are patentable over Fuson and the rejection of the claims 1, 15 and 19 as being anticipated under 35 U.S.C. §102 over Fuson, has been overcome.

Since claims 2-8, 10, 12-14 and 21-25 depend directly or indirectly from claim 1, and claims 16-18 and 26 depend from claim 15, and each of claims 2-8, 10, 12-14, 16-18 and 21-26 contain all the features of claims 1 and 15, respectively, for at least the reasons presented above, claims 2-8, 10, 12-14, 16-18 and 21-26 are also allowable under 35 U.S.C. § 102 over Fuson.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuson in view of U.S. Patent No. 5,261,459 to Atkinson et al. (hereinafter "Atkinson"). According to the Examiner, it would have been obvious to one of ordinary skill in the art to modify the stopcock valve of Fuson with the duckbill valve of Atkinson

As discussed above, Fuson fails to teach or disclose a valve including a housing including a first passageway that extends therealong and a second passageway that includes a relief port. Atkinson does not provide any disclosure or teaching that, when taken in any proper combination with Fuson, would cure the deficiency of claim 1. Since claim 9 depends from claim 1, and contains all of the features of claim 1, for the reasons presented above, it is respectfully submitted that claim 1 is also allowable.

Claims 11, 20, and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuson in view of U.S. Patent No. 5,088,486 to Jinotti (hereinafter, "Jinotti"). According to the Examiner, Jinottie teaches a rotatable valve for connection to a dual lumen nasogastric tube. Jinotti does not provide any additional disclosure that when taken in any proper combination with Fuson, teaches a valve including, *inter alia*, a housing including "a first passageway that extends therealong and a second passageway that includes a relief port", as recited in amended claim 1, or a nasogastric valve system including, *inter alia*, "a nasogastric tube (32, 238) including a fluid lumen (36, 250) and a vent lumen (38, 252), the first lumen defining a first portion of a first passageway (26, 230), the second lumen defining a first portion of a second passageway (42, 255)" and "a housing (22, 224) including a second portion of the first passageway that extends therewithin and a second portion of the second passageway that includes a relief port (84, 260)" as recited in amended claim 20. (Reference numerals have been


added for illustrative purposes only; see, Para. [0085], [0086], [0091] and [0094]-[0097] and FIGS. 1-3 and 13-17 of the instant application). Therefore, the rejection of claim 20 as being obvious over Fuson in view of Jinotti has been overcome and claim 20 is believed to be in condition for allowance. Since claims 11 and 27-29 depend, either directly or indirectly, from amended claim 1, for at least the reasons claim 1 is patentable, claims 11 and 27-29 are also patentable.

Applicant has added claims 30 and 31. No new matter has been added by the claims. Claim 30 depends from claim 1 and claim 31 depends from 19. For at least the reasons claims 1 and 19 are patentable, claims 30 and 31 are also patentable.

In view of the foregoing remarks, Applicants submit that all of the claims are in proper format, are patentably distinct from the prior art of record, and are in condition for allowance.

The Examiner is invited to contact the undersigned at the telephone number listed below with any questions concerning this application.

Respectfully submitted,



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